

**REMARKS****1. Claim Objections and Rejections under 35 USC §112**

Reconsideration of the above-identified application in view of the foregoing amendments and following remarks is respectfully requested.

Claims 1, 3-9, 11-27 were rejected under 35 U.S.C. §112, second paragraph as being indefinite. In particular, independent claims 1 and 24 lacked antecedent basis for “the object.” Claims 1, and 24 have been amended to show antecedent basis.

The Examiner also stated that in the independent method claim the limitation for selecting a plurality of time-gates for imaging an object and injecting a pulse of light into the object, where the collection of light from the object is done at selected time-gates was not amended as stated in the last response. Independent method claim 1 has been amended to add the limitation previously recited.

Applicant believes these amendments overcome the rejections. Withdrawal of the rejections under 35 U.S.C. §112 is respectfully requested.

**2. Rejection under 35 USC §102 in view of Wake**

Claims 1, 3-5, 15, 18-27 are rejected as being anticipated by Wake (US2002/01000864). The Examiner stated that Wake discloses the method and system claimed by the applicant. The Applicant now claims a method and system that collect light only for selected time-gates, and not for a series of consecutive time gates as Wake discloses. See for example paragraph [0101] in Wake, “[t]hus, for any one time-gate interval, groups of 8, 16 and 32 laser pulses might be collected. The laser pulse numbers can be set in interval values ranging from 1 to 128 pulses. After a preset number of laser pulses has been sampled, **the next time-gate**

is set to sample along the portion of the TPSF curve.” (emphasis added). In addition, the passage cited by the examiner (see abstract) does not teach or suggest collecting light only for selected time-gates.

It is well settled for a reference to anticipate, all the claimed elements must be identically disclosed either expressly or inherently in a single reference. Wake fails to disclose collection only for selected time-gates. In fact, Wake teaches away from what the applicant claims by disclosing a series of consecutive time gates.

In view of the above remarks, applicants respectfully request withdrawal of the rejections.

**CONCLUSION**

Based on the foregoing amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims and allowance of the present application.

If any issues remain, or if the Examiner has any suggestions for expediting allowance of this application, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below. Favorable reconsideration is respectfully requested.

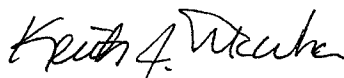
**AUTHORIZATION**

The Commissioner is hereby authorized to charge any fees which may be required for consideration of this Amendment or credit any overpayment to Deposit Account No. **50-1145**, Order No. 703734.000020. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,  
DAY PITNEY, L.L.P.

Dated: March 16, 2010

By:



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